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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,946	09/04/2003	Scott W. Weller	END920030037US1	9007
37945	7590	12/13/2007	EXAMINER	
DUKE W. YEE			HIGA, BRENDAN Y	
YEE AND ASSOCIATES, P.C.				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2153	
			MAIL DATE	
			DELIVERY MODE	
			12/13/2007	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/656,946

Applicant(s)

WELLER, SCOTT W.

Examiner

Brendan Y. Higa

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 10, 13 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 10, 13 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The examiner would like to note that this application has been transferred to a new examiner.

This Office action is in response to Applicant's amendment and request for reconsideration filed on June 06, 2007.

Claims 3, 10, 13, and 18 remain pending.

### ***Claim Objections***

Claims 18 is objected to because of the following informalities: line 1 recites "A method A method for compressing...". For the sake of this office action the examiner has interpreted the claim to read "A method ~~A method for compressing...~~".

Furthermore, in order to avoid confusion, the applicant should amend the claims 3, 10, 18, to use the term "reference" in the past tense. For example, claim 1 should read, in lines 4-7, "a message including a compressed header comprising an identifier to a referenced, uncompressed header and changes ...". This avoids the following misinterpretation: "a compressed header comprising: 1) an identifier to a reference, 2) uncompressed header, and 3) changes..."

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 13, the limitation "*wherein compression for said compressed header*", is not enabled by the specification. As best understood, the invention supports header compression for subsequent messages, but it is unclear where the compression of a *[already]* compressed header takes place. The applicant is invited to provide support in the specification, where this step is enabled.

Claims 3, 10, 13, and 18 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

As per claim 3, said "reference header" lacks antecedent basis for the purpose of examination the examiner has interpreted the limitation in view of "said reference, uncompressed header" rather than "said compressed header comprising an identifier to a reference".

Claims 13 and 18 recite similar subject matter and are rejected under the same rationale as claim 3.

As per claim 10, "the step of reconstructing said message" in line 9, lacks antecedent basis. Appropriate correction is required.

As per claim 18, in lines 9-10 the limitation "the receiving step comprises *the step of receiving the message including a compressed header*" (emphasis added) lacks antecedent basis for the purpose of office action the examiner has interpreted the claim to read "the receiving step comprises ~~the step of~~ receiving the message including said compressed header".

As per claims 3, 10, 13, and 18 the limitation "said method comprising *the steps of*" (emphasis added) lacks antecedent basis, for the purpose of examination the examiner has interpreted the claim to read "said method comprising ~~the steps of~~".

### ***Response to Arguments***

Applicant's arguments, filed June 06, 2007, with respect to claims 3, 10, 13, and 18 are persuasive. The U.S.C. § 103(a) rejection of claims 3, 10, 13, and 18 has been withdrawn.

### ***Allowable Subject Matter***

Claims 3, 10 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

The examiner has interpreted claims 3, 10, and 18 to require **both** the condition where the determination of header compression performance is unfavorable **and** the condition where the determination of header compression is favorable.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

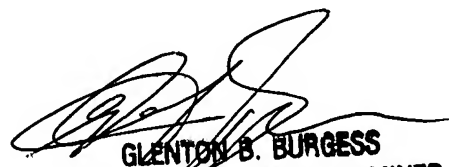
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BYH



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